

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

JOSE SAUL DIAZ SANCHEZ,
Petitioner,

vs.

WARDEN OF FOLKSTON ICE
PROCESSING CENTER;
PAMELA BONDI, in her official
capacity as the U.S. Attorney General;
and
U.S. DEPARTMENT OF
HOMELAND SECURITY;
Defendants.

Civil Action No.:

HEARING REQUESTED

PETITION FOR *WRIT OF HABEAS CORPUS* BY AN ALIEN DETAINEE

To the Honorable Judges of this Court:

Petitioner, Jose Saul Diaz Sanchez, respectfully brings this Petition for *Writ of Habeas Corpus* seeking relief to remedy his unlawful detention.

I. FACTUAL BACKGROUND

1. Petitioner Jose Saul Diaz Sanchez is an El Salvadorean national, who last entered the United States on or about 2010 and has resided here since then. He is the financial provider for his family, which includes 4 minor children.

2. On October 15, 2025, U.S. Immigration and Customs Enforcement (ICE) arrested Petitioner in the Dallas County Jail in Dallas, Texas, where he was being held for a misdemeanor charge of indecent assault. He was transported to the Folkston ICE Processing Center (FIPC), in Folkston, Georgia, where he remains.

3. On September 5, 2025, the Board of Immigration Appeals (“BIA”) issued a precedential decision in Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), reclassifying noncitizens present in the United States without lawful admission as “applicants for admission” under 8 U.S.C. § 1225(b)(2), thereby subjecting him to mandatory detention without a bond hearing rather than classifying him under 8 U.S.C. § 1226(a), which affords the opportunity to seek bond. This marked a departure from decades of agency practice and settled judicial interpretation.

4. Petitioner is erroneously and unconstitutionally being denied the opportunity to seek bond based on Matter of Yajure Hurtado. At the time of his arrest by ICE, Petitioner was not seeking admission to the United States and, therefore, could not, as a matter of law, be classified as an applicant for admission under § 1225(b)(2).

5. Petitioner is seeking an order declaring § 1225(b)(2) inapplicable to him and mandating a § 1226(a) bond hearing.

6. Due to the irreparable harm of continued detention without due process, he requests an order to show cause within three days under 28 U.S.C. § 2243 and reserve the right to seek a temporary restraining order under Fed. R. Civ. P. 65(b).

7. The Court should expeditiously grant this petition. Because Defendants are detaining Petitioner in violation of law, the Court should accordingly order that Defendants provide him with a bond hearing within 7 days or release him. Said bond hearing should be ordered with safeguards to ensure that Defendants provide Petitioner with a meaningful opportunity to seek bond and requiring Defendants to show that his continued detention is justified.

II. JURISDICTION AND VENUE

8. This action arises under the United States Constitution and the Immigration and Nationality Act of 1952 (INA), 8 U.S.C. § 1101 *et seq.*


9. This Court has jurisdiction to grant a *writ of habeas corpus* under 28 U.S.C. § 2241, Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause), and the Fifth Amendment's Due Process Clause. The Court also has federal question jurisdiction under 28 U.S.C. § 1331 and authority to issue declaratory and injunctive relief under 28 U.S.C. §§ 2201–2202 and the All Writs Act, 28 U.S.C. § 1651.

10. Petitioner challenges only the statutory applicability of § 1225(b)(2), not its implementation or regulations. Thus, 8 U.S.C. § 1252(e)(3), which limits review of such implementation to the District of Columbia, does not apply. Villa v. Warden, 5:25-cv-00089-LGB-BWC (S.D. Ga. Nov. 4, 2025).

11. Similarly, 8 U.S.C. § 1252(g) does not bar review because Petitioner is not challenging the commencement, adjudication, or execution of his removal proceedings but the lawfulness of his civil detention separate from those proceedings.

12. Petitioner is detained at the Folkston ICE Processing Center in Folkston, Georgia, which lies within the Southern District of Georgia, Waycross Division. Venue is therefore proper pursuant to 28 U.S.C. § 1391(b)–(e).

III. PARTIES

13. Petitioner Jose Saul Diaz Sanchez is an El Salvadorean citizen currently detained by Defendants at the FIPC. His alien registration number is 

14. Defendant Warden of the Folkston ICE Processing Center is being sued in his official capacity. He is responsible for the operations of the FIPC and has control over Petitioner as his immediate custodian.

15. Defendant Pamela Bondi is the U.S. Attorney General and is being sued in her official capacity. She is a legal custodian of Petitioner.

16. Defendant U.S. Department of Homeland Security (“DHS”) is a governmental agency of the United States. It is a legal custodian of Petitioner.

IV. CLAIM FOR RELIEF – *WRIT OF HABEAS CORPUS*

17. The Constitution guarantees the right of *writ of habeas corpus* to every individual detained within the United States, including immigration-related detention. Zadvydas v. Davis, 533 U.S. 678, 687 (2001). A *writ of habeas corpus* shall issue if the person is in custody in violation of the Constitution or federal law. 28 U.S.C. § 2241(c)(3) as it is the case here, where Petitioner is being detained based on an incorrect application of federal law and in violation of his due process rights.

18. The Court should grant the petition right away, as the legal issues presented by this Petition have already been resolved by this Court in the Villa consolidated cases.

A. Count 1: Unlawful Detention Under 8 U.S.C. § 1225(b)(2)

19. Petitioner's detention violates the law because Defendants have improperly classified him as an alien "seeking admission" and subjected him to mandatory detention under 8 U.S.C. § 1225(b)(2), a provision that applies only to aliens actually seeking admission and not to individuals like Petitioner who have long been present in the United States. Villa v. Warden, 5:25-cv-00089-LGB-BWC (S.D. Ga. Nov. 4, 2025).

20. Two statutes primarily govern the detention of noncitizens in removal proceedings: 8 U.S.C. §§ 1225 and 1226. Section 1225 governs mandatory detention and applies to aliens who, inter alia, are "seeking admission" (emphasis added). Section 1226, by contrast, governs the detention of aliens already present in the United States and permits discretionary release on bond for those who are neither a flight risk nor a danger to the community.

21. At the time of his arrest, years after his arrival to the United States, Petitioner was in the interior of the United States, not arriving at the border, and was not seeking admission. His detention therefore falls within the scope of § 1226, not § 1225.

22. As a matter of statutory law, Defendants therefore lack authority to detain Petitioner under 8 U.S.C. § 1225(b)(2) and must provide him the procedural protections of § 1226(a), including a bond hearing.

23. Since the enactment of §§ 1225 and 1226 in 1996, Defendants had consistently applied the procedural safeguards of § 1226 to aliens who, like Petitioner, were apprehended in the interior of the United States.

24. In July of 2025, Defendants changed course abruptly and began alleging that all aliens who entered without being admitted or inspected are to be considered aliens seeking admission. On September 5, 2025, Defendants' new position was made binding upon Immigration Judges with the issuance of Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).

25. This interpretation, which is contrary to decades of precedent, clear statutory text, regulations, and the government's own long-standing practice, has already been rejected by district courts nationwide, including this Honorable Court in Villa v. Warden, 5:25-cv-00089-LGB-BWC (S.D. Ga. Nov. 4, 2025).

26. Petitioner is entitled to a prompt, individualized, meaningful bond hearing before an Immigration Judge at which the government bears the burden of proving that continued detention is necessary to serve a legitimate purpose such as preventing flight or protecting the community.

27. Petitioner thus merits immediate relief in the form of release or a bond hearing with the Executive Office of Immigration Review (Immigration Court).

B. Count 2: Unlawful Detention in Violation of Petitioner's Due Process Rights

28. Petitioner's detention violates his substantial due process rights under the Fifth Amendment of the U.S. Constitution, which guarantees that no person shall be deprived of liberty without due process of law. Arbitrary, unreviewable civil detention is categorically unconstitutional. The Due Process Clause requires that any deprivation of Petitioner's liberty serve, at minimum, a legitimate purpose. *See Reno v. Flores*, 507 U.S. 292, 302-306 (1993)(explaining that infringements on fundamental liberty rights violate due process unless they are "narrowly tailored to serve a compelling state interest").

29. Civil detention is permissible only in narrow, non-punitive circumstances where the government demonstrates a legitimate and non-punitive governmental purpose supported by individualized findings that outweigh an individual's liberty

interest. Here, Defendants have no special justification. Petitioner has no significant criminal record, poses no danger, and is not a flight risk. Continued incarceration under these circumstances bears no reasonable relation to any legitimate governmental goal and therefore violates the substantive component of the Fifth Amendment's Due Process Clause.

30. Petitioner's detention also violates the procedural due process guarantees of the Fifth Amendment. The government has deprived him of liberty, the most fundamental of all interests, without providing any meaningful opportunity to contest that deprivation. He has had no hearing before a neutral decision-maker, no notice of the factual basis for his detention, and no chance to present evidence in his favor. Under Mathews v. Eldridge, 424 U.S. 319 (1976), such an absolute denial of process fails every prong of the balancing test: the private interest at stake is immense; the risk of erroneous deprivation is high where no procedure exists; and the government's burden in providing a bond hearing is minimal.

31. By refusing to provide even the minimal safeguards Congress built into § 1226(a), Defendants have acted in a manner that is arbitrary, capricious, and inconsistent with the basic promise of due process, that is, that the government may not imprison a person first and ask questions later.

32. A *writ of habeas corpus* should issue requiring Defendants to provide Petitioner with a bond hearing in Immigration Court or his release from detention.

WHEREFORE, Petitioner prays that this Honorable Court:

- (a) assume jurisdiction over this matter;
- (b) expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action for *habeas corpus*;
- (c) issue and order directing Defendants to show cause why a *writ* should not be granted;
- (d) issue a *writ of habeas corpus* ordering Defendants to release Petitioner immediately unless they provide a meaningful bond hearing under § 1226(a) within 7 days, where the government bears the burden of showing that Petitioner's release is justified;
- (e) retain jurisdiction to ensure compliance with this Court's order and Due Process;
- (f) grant such other and further relief as this Court deems proper under the circumstances; and
- (g) grant reasonable attorney's fees and costs of Court to Petitioner under the Equal Access to Justice Act.

Respectfully submitted this February 6, 2026.

/s/ Giovanna Andrea Holden
Giovanna Andrea Holden
Attorney for Petitioner
Georgia Bar No. 514691
Holden Law Firm
311 Green Street, NW
Gainesville, GA 30501
678-865-4444
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CIVIL COVER SHEET

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)

JOSE SAUL DIAZ SANCHEZ

DEFENDANT(S)

Warden of Folkston ICE Processing Center, Pamela Bondi, and U.S. Department of Homeland Security

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

Giovanna Andrea Holden
Holden Law Firm
311 Green Street, NW, Ste 402
Gainesville, GA 30501
6788654444/gio@holdenfirm.com

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. GOVERNMENT PLAINTIFF
2 U.S. GOVERNMENT DEFENDANT
3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
4 DIVERSITY (INDICATE CITIZENSHIP OF PARTIES IN ITEM III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) (FOR DIVERSITY CASES ONLY)

- PLF DEF
1 CITIZEN OF THIS STATE
2 CITIZEN OF ANOTHER STATE
3 CITIZEN OR SUBJECT OF A FOREIGN COUNTRY
4 INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
5 INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
6 FOREIGN NATION

IV. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 ORIGINAL PROCEEDING
2 REMOVED FROM STATE COURT
3 REMANDED FROM APPELLATE COURT
4 REINSTATED OR REOPENED
5 TRANSFERRED FROM ANOTHER DISTRICT (Specify District)
6 MULTIDISTRICT LITIGATION - TRANSFER
7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
8 MULTIDISTRICT LITIGATION - DIRECT FILE

V. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Petition for Writ of Habeas Corpus under 28 USC § 2241, 28 USC § 1651, 28 U.S.C. § 2201-02, and the U.S. Constitution for an alien detained in violation of his constitutional rights and other laws.

(IF COMPLEX, CHECK REASON BELOW)

- 1. Unusually large number of parties.
2. Unusually large number of claims or defenses.
3. Factual issues are exceptionally complex.
4. Greater than normal volume of evidence.
5. Extended discovery period is needed.
6. Problems locating or preserving evidence.
7. Pending parallel investigations or actions by government.
8. Multiple use of experts.
9. Need for discovery outside United States boundaries.
10. Existence of highly technical issues and proof.

CONTINUED ON REVERSE

FOR OFFICE USE ONLY

RECEIPT # AMOUNT \$ APPLYING IFP MAG. JUDGE (IFP)
JUDGE MAG. JUDGE (Referral) NATURE OF SUIT CAUSE OF ACTION

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT - "0" MONTHS DISCOVERY TRACK

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 151 MEDICARE ACT
- 160 STOCKHOLDERS' SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 210 LAND CONDEMNATION
- 220 FORECLOSURE
- 230 RENT LEASE & EJECTMENT
- 240 TORTS TO LAND
- 245 TORT PRODUCT LIABILITY
- 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- 310 AIRPLANE
- 315 AIRPLANE PRODUCT LIABILITY
- 320 ASSAULT, LIBEL & SLANDER
- 330 FEDERAL EMPLOYERS' LIABILITY
- 340 MARINE
- 345 MARINE PRODUCT LIABILITY
- 350 MOTOR VEHICLE
- 355 MOTOR VEHICLE PRODUCT LIABILITY
- 360 OTHER PERSONAL INJURY
- 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- 365 PERSONAL INJURY - PRODUCT LIABILITY
- 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- 422 APPEAL 28 USC 158
- 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- 440 OTHER CIVIL RIGHTS
- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ ACCOMMODATIONS
- 445 AMERICANS with DISABILITIES - Employment
- 446 AMERICANS with DISABILITIES - Other
- 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- 462 NATURALIZATION APPLICATION
- 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- 463 HABEAS CORPUS- Alien Detainee
- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 HABEAS CORPUS DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS - Filed Pro se
- 555 PRISON CONDITION(S) - Filed Pro se
- 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- 550 CIVIL RIGHTS - Filed by Counsel
- 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT RELATIONS
- 740 RAILWAY LABOR ACT
- 751 FAMILY and MEDICAL LEAVE ACT
- 790 OTHER LABOR LITIGATION
- 791 EMPL RET INC SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- 820 COPYRIGHTS
- 840 TRADEMARK
- 880 DEFEND TRADE SECRETS ACT OF 2016 (DTSA)

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- 830 PATENT
- 835 PATENT-ABBREVIATED NEW DRUG APPLICATIONS (ANDA) - a/k/a Hatch-Waxman cases

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395ff)
- 862 BLACK LUNG (923)
- 863 DIWC (405(g))
- 863 DIWW (405(g))
- 864 SSID TITLE XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- 375 FALSE CLAIMS ACT
- 376 Qui Tam 31 USC 3729(a)
- 400 STATE REAPPORTIONMENT
- 430 BANKS AND BANKING
- 450 COMMERCE/ICC RATES/ETC
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- 480 CONSUMER CREDIT
- 485 TELEPHONE CONSUMER PROTECTION ACT
- 490 CABLE/SATELLITE TV
- 890 OTHER STATUTORY ACTIONS
- 891 AGRICULTURAL ACTS
- 893 ENVIRONMENTAL MATTERS
- 895 FREEDOM OF INFORMATION ACT 899
- 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION
- 950 CONSTITUTIONALITY OF STATE STATUTES

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- 410 ANTITRUST
- 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____

JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case IS IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

/s/ Giovanna Andrea Holden

02/06/2026

SIGNATURE OF ATTORNEY OF RECORD

DATE